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4/12/2022 3:27 PM  
Leopoldo Vielma, District Clerk  
Maverick County, Texas  
By: Sonia Palomo, Deputy

## **II.** **PARTIES**

2.1 Plaintiffs reside in Eagle Pass, Maverick County, Texas.

2.2 Defendant, **BRADLEY DEAN JOHNSON** is a natural person and resident of Tucson, Arizona, and service of process can be effectuated by serving Defendant at his place of abode at 1262 S. Craycroft Rd., Tucson, Arizona, 85711.

2.3 Defendant, **DANNY HERMAN TRUCKING, INC.** is a Foreign For-Profit Corporation registered and doing business in the State of Texas. Service of process can be effectuated by serving its registered agent, Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, at 211 E. 7<sup>th</sup> Street, Suite 620, Austin, Texas, 78701-3218.

## **III.** **VENUE and JURISDICTION**

3.1 Venue is proper in Maverick County, Texas, pursuant to Section 15.002 (a) (1) of the Texas Civil Practice and Remedies Code, since all or a substantial part of the events or omissions giving rise to the claim occurred in Maverick County, Texas.

3.2 Jurisdiction is proper in this Court because the amount in controversy exceeds the minimum jurisdictional limits of this Court.

## **IV.** **NATURE OF CAUSE**

4.1 Plaintiffs bring this cause of action to recover damages for personal injuries and economic damages sustained by them arising out of an automobile collision which occurred on or about March 30, 2021 in Eagle Pass, Maverick County, Texas, when a vehicle driven by Defendant, **BRADLEY DEAN JOHNSON**, struck Plaintiffs' vehicle. The vehicle driven by Defendant, **BRADLEY DEAN JOHNSON**, was owned by Defendant, **DANNY HERMAN TRUCKING, INC.**

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**V.**  
**FACTS**

5.1 Plaintiffs adopt and re-allege Paragraphs III-IV of this Petition and incorporate same as if set forth in full herein.

5.2 At the time and on the occasion in question, **ROSA GUERRA** was operating a 2015 Audi Q3 in a lawful and prudent manner while travelling on the 4000 block of Adams Circle in Eagle Pass, Maverick County, Texas. Antonio Mendez, Cain Dueñas, Isobel Dueñas, and Jordan Dueñas, were all passengers in the vehicle driven by Plaintiff, Rosa Guerra. **BRADLEY DEAN JOHNSON** was operating a 2018 Kenworth T680 Tractor Trailer and was travelling in front of Plaintiff. Defendant, **BRADLEY DEAN JOHNSON**, failed to be attentive, failed to control his speed, failed to maintain a safe and assured clear distance, and failed to keep a proper lookout and suddenly, unexpectedly and without warning, backed up into Plaintiffs' vehicle resulting in injuries and damages to Plaintiffs.

**VI.**  
**NEGLIGENCE**

6.1 Plaintiffs adopt and re-allege Paragraphs III through V of this Petition and incorporate same as if set forth in full herein.

6.2 The collision upon which this suit is based and Plaintiffs resulting injuries and damages were proximately caused by the negligent conduct of **BRADLEY DEAN JOHNSON**, in one or more of the following respects:

- a. In failing to keep a proper look-out as a reasonable and prudent person would have done under the same or similar circumstances;
- b. In failing to control his speed;
- c. In failing to timely apply the brakes to Defendant's vehicle in order to avoid the collision in question;

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- d. In failing to take evasive action in order to avoid the collision;
- e. In failing to maintain a safe and assured clear distance from Plaintiff's vehicle;
- f. In backing up when unsafe to do so; and,
- g. In failing to be attentive.

6.3 Each of the foregoing acts and/or omissions was a separate and distinct act of negligence and each was a direct and proximate cause of the injuries and damages suffered by the Plaintiffs as described herein below.

6.4 Plaintiffs would also show that the injuries and damages described herein were proximately caused by the negligence of Defendant, **BRADLEY DEAN JOHNSON**.

**VII.**  
**NEGLIGENCE PER SE**

7.1 Plaintiffs adopt and re-allege Paragraphs III through VI of this Petition and incorporate same as if set forth in full herein.

7.2 Plaintiffs would further show that **BRADLEY DEAN JOHNSON** was Negligent Per Se, as a matter of law in driving the Tractor Trailer upon a public roadway, in the State of Texas in a reckless manner, where no exception applied and in failing to obey the traffic signals, to-wit:

- a. V.T.C.A., Transportation Code, Section 545.401 states in relevant part that: "A person commits an offense if the person drives a vehicle in willful or wanton disregard for the safety of persons or property."
- b. V.T.C.A., Transportation Code, Section 545.421 states in relevant part that: "An operator may not begin movement of a stopped, standing, or parked vehicle unless the movement can be made safely."

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7.3 The purpose of V.T.C.A., Transportation Codes, Sections 545.401 and 545.421 is to regulate the smooth and orderly flow of traffic on streets and public highways and these provisions were intended to, inter alia, protect persons from collisions.

7.4 Plaintiff was among those persons intended to be protected by V.T.C.A., Transportation Code, Sections 545.401 and 545.421. Accordingly, Defendant's failure to comply with these provisions of said statutes constitutes and Defendant is accordingly guilty of Negligence Per Se as a matter of law.

#### **VIII.** **NEGLIGENT ENTRUSTMENT**

8.1 Plaintiffs adopt and re-allege Paragraphs III through VII of this Petition and incorporate same as if set forth in full herein.

8.2 At the time of the collision, **DANNY HERMAN TRUCKING, INC.** owned the 2018 Kenworth T680 Tractor Trailer Truck being driven by **BRADLEY DEAN JOHNSON**, and involved in the above described collision.

8.3 **DANNY HERMAN TRUCKING, INC.** was negligent in entrusting said vehicle to **BRADLEY DEAN JOHNSON**, in that he was an unskilled, incompetent, and/or a reckless driver. **DANNY HERMAN TRUCKING, INC.** entrusted the vehicle with conscious indifference to the rights and safety of others. That entrustment was a direct and proximate cause of the damages suffered by the Plaintiffs for which they hereby sue the Defendants in an amount within the jurisdictional limits of the Court.

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**IX.**  
**NEGLIGENCE OF DANNY HERMAN TRUCKING, INC.**

9.1 In allowing **BRADLEY DEAN JOHNSON** to operate the 2018 Kenworth T680 Tractor Trailer Truck, **DANNY HERMAN TRUCKING, INC.**, committed negligence in the following respects:

- a. Failing to properly train **BRADLEY DEAN JOHNSON** in the safe operation of said vehicle;
- b. Knowingly entrusting said vehicle to an incompetent and/or reckless driver;
- c. Knowingly entrusting said vehicle to a person they knew or should have known was an incompetent and/or reckless driver; and,
- d. Failing to exercise due care to determine that **BRADLEY DEAN JOHNSON's** driving abilities were deficient.

9.2 Each of these acts and omissions, singularly or in combination with such other acts and omissions constituted negligence which proximately caused the accident made the basis of this lawsuit, and the damages and injuries suffered by Plaintiffs.

**X.**  
**NEGLIGENT HIRING**

10.1 Prior to March 30, 2021, **DANNY HERMAN TRUCKING, INC.** was negligent in hiring **BRADLEY DEAN JOHNSON** and in providing the 2018 Kenworth T680 Tractor Trailer Truck to **BRADLEY DEAN JOHNSON** for the purpose of operating the vehicle on the public streets and highways of Texas in furtherance of **DANNY HERMAN TRUCKING, INC.'s** business.

10.2 **BRADLEY DEAN JOHNSON** operated the vehicle in combination with full knowledge, consent, and permission of **DANNY HERMAN TRUCKING, INC.** **BRADLEY DEAN JOHNSON** was incompetent and unfit to safely operate a motor vehicle on the public

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streets and highways in that he was a reckless, incompetent, and unfit driver. Allowing **BRADLEY DEAN JOHNSON** to operate the vehicle created an unreasonable risk and danger to persons and property on the public streets and highways of Texas.

10.3 In addition, **DANNY HERMAN TRUCKING, INC.** was negligent in various acts and omissions, including but not limited to the following, to-wit:

- a. In the hiring of **BRADLEY DEAN JOHNSON**;
- b. In failing to properly train **BRADLEY DEAN JOHNSON** to drive in a safe and prudent manner;
- c. In failing to give the proper driver-training to **BRADLEY DEAN JOHNSON**;
- d. In failing to properly supervise **BRADLEY DEAN JOHNSON** to ensure that he would operate **DANNY HERMAN TRUCKING, INC.**'s vehicle in a safe and prudent manner;
- e. In failing to make a prudent inquiry into the driving ability of **BRADLEY DEAN JOHNSON**; and,
- f. In the reckless employment of **BRADLEY DEAN JOHNSON**.

#### **XI. DAMAGES**

11.1 Plaintiffs adopt and re-allege Paragraphs III through X of this Petition and incorporate same as if set forth in full herein.

11.2 The evidence will show that as a result of the Defendants' negligent acts, the Plaintiffs sustained serious bodily injuries. As a result of those injuries, Plaintiffs have incurred damages. These elements to be considered separately and individually are as follows:

- a. The physical pain and suffering that the Plaintiffs felt from the date of the incident in question up to the time of trial;
- b. The physical pain and suffering that the Plaintiffs will feel in the future beyond the time of trial;

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- c. The mental anguish that the Plaintiffs suffered from the date of the occurrence in question up to the time of trial;
- d. The mental anguish that the Plaintiffs will suffer in the future beyond the time of trial;
- e. The amount of reasonable medical expenses necessarily incurred in the treatment of Plaintiffs' injuries from the date of the incident in question up to the time of trial;
- f. The reasonable value of medical expenses that will necessarily be incurred in the treatment of the Plaintiffs' injuries in the future beyond the time of trial;
- g. The damages resulting from the physical impairment suffered by the Plaintiffs and the resulting inability to do those things that the Plaintiffs ordinarily would have been able to do from the date of the incident up to the time of trial;
- h. The damages resulting from the physical impairment that the Plaintiffs will continue to suffer in the future and the resulting inability to do those things that the Plaintiffs would ordinarily have been able to perform in the future beyond the time of trial;
- i. The loss or reduction in the Plaintiffs' earning capacity up until the time of trial;
- j. The loss or reduction of the Plaintiffs' earning capacity in the future caused by the injuries sustained in the incident in question;
- k. The loss of earnings by the Plaintiffs up until the time of trial; and
- l. The loss of earnings by the Plaintiffs in the future caused by the injuries sustained in the incident in question;
- m. The disfigurement which the Plaintiffs have suffered since the date of the occurrence in question up to the time of trial; and,
- n. The disfigurement which Plaintiffs will suffer in the future beyond trial and for the balance of her life.

11.3 Plaintiffs will show that as a proximate cause of the negligence of the Defendant, they have suffered serious and permanent injuries to their body. In all reasonable probability, the Plaintiffs will suffer long into the future if not for the balance of their natural life. The injuries

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have had a serious effect on the Plaintiff's health and well-being. Some of these ill-effects are permanent and will abide with the Plaintiffs long into the future. The ill-effects have in turn caused their physical and emotional condition to deteriorate generally so that the specific injuries and ill-effects alleged have caused and will, in all reasonable probability, cause the Plaintiffs to suffer the consequences and ill-effects of such deterioration throughout their body long into the future, if not for the balance of their natural life.

11.4 The Plaintiffs will show that all of the above-described damages were proximately caused by the negligence of the Defendants named herein and said negligence was a producing cause of Plaintiffs' injuries and damages for which Plaintiffs hereby sue in the amount within the jurisdictional limits of the Court.

**XII.**  
**JURY DEMAND**

12.1 Plaintiffs respectfully demand a Trial by Jury on the issues of this cause and respectfully request that this cause be placed on the next available Jury Docket.

**XIII.**  
**PRAYER**

**WHEREFORE, PREMISES CONSIDERED,** Plaintiffs respectfully request that Defendants, **BRADLEY DEAN JOHNSON AND DANNY HERMAN TRUCKING, INC.** be cited to appear and answer this Petition, and that upon final hearing, that Plaintiffs will have a judgment against Defendants for all damages as alleged herein, that Plaintiffs will have interest on said judgment at the legal rate, pre-judgment interest as provided by law, post-judgment interest as provided by law from the date of judgment until paid, costs of Court, and that they have such other and further relief, both general and special, at law and equity to which they may show themselves justly entitled.

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Respectfully submitted,

**MATA-CORTES LAW FIRM, P.C.**

626 Madison Street

Eagle Pass, Texas 78852

Telephone: (830) 776-5480

Faxsimile: (830) 776-5475

**SANDRA CORTES**

State Bar No. 24057812

**ATTORNEY FOR PLAINTIFFS**

**Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Sandra Mata-Cortes on behalf of Sandra Mata-Cortes  
Bar No. 24057812  
sandra@matacorteslaw.com  
Envelope ID: 63507441  
Status as of 4/13/2022 8:26 AM CST

**Case Contacts**

Name	BarNumber	Email	TimestampSubmitted	Status
Larissa Ramirez		larissa@matacorteslaw.com	4/12/2022 3:27:11 PM	SENT
Sandra Mata-Cortes		sandra@matacorteslaw.com	4/12/2022 3:27:11 PM	SENT

## LMS Packing Slip

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### Package ID: 3678779

**Tracking Number:** 273872322520

**Package Recipient:** Barbara Herman-Seals

**Recipient Company:** Danny Herman Trucking, Inc.

**Recipient Address:** 339 Cold Springs Rd Mountain City TN  
37683-4023 USA

**Phone Number:** 4237271772

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### Package Contents:

Transmittal Number	Case Number	Title of Action
25010788	22-04-40966-MCV	Antonio Mendez vs. Bradley Dean Johnson



## Notice of Service of Process

KP / ALL  
Transmittal Number: 25010788  
Date Processed: 06/02/2022

**Primary Contact:** Barbara Herman-Seals  
Danny Herman Trucking, Inc.  
339 Cold Springs Rd  
Mountain City, TN 37683-4023

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<b>Entity:</b>	Danny Herman Trucking, Inc. Entity ID Number 2897369
<b>Entity Served:</b>	Danny Herman Trucking, Inc.
<b>Title of Action:</b>	Antonio Mendez vs. Bradley Dean Johnson
<b>Matter Name/ID:</b>	Antonio Mendez vs. Bradley Dean Johnson (12390301)
<b>Document(s) Type:</b>	Citation/Petition
<b>Nature of Action:</b>	Personal Injury
<b>Court/Agency:</b>	Maverick County District Court, TX
<b>Case/Reference No:</b>	22-04-40966-MCV
<b>Jurisdiction Served:</b>	Texas
<b>Date Served on CSC:</b>	05/27/2022
<b>Answer or Appearance Due:</b>	10:00 am Monday next following the expiration of 20 days after service
<b>Originally Served On:</b>	CSC
<b>How Served:</b>	Personal Service
<b>Sender Information:</b>	Mata-Cortes Law Firm, P.C. 830-776-5480

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To avoid potential delay, please do not send your response to CSC  
251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | [sop@cscglobal.com](mailto:sop@cscglobal.com)

CITATION – Personal Service: TRC99

THE STATE OF TEXAS:

CAUSE NO. 22-04-40966-MCV

12091 1 5 PM  
COUNTY OF MAVERICK  
MATA-CORTES LAW FIRM, P.C.  
626 MADISON STREET,  
EAGLE PASS TEXAS 78852  
820-776-5480

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty days after the date you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org" TRCP. 99

TO: DANNY HERMAN TRUCKING, INC.  
SERVICE OF PROCESS CAN BE EFFECTUATED BY  
SERVING ITS REGISTERED AGENT, CORPORATION SERVICE  
COMPANY D/B/A CSC-LAWYERS INCORPORATING SERVICE  
COMPANY, AT  
211 E. 7<sup>TH</sup> STREET, SUITE 620,  
AUSTIN, TEXAS, 78701-3218.

Defendant, GREETING:

You are hereby commanded to appear by filing a written answer to the Plaintiff's Original Petition at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable Judge Maribel Flores 293RD DISTRICT COURT of Maverick County, at the Courthouse in said County in EAGLE PASS, Texas.

Said Plaintiff's Original Petition was filed in said court, . . on the 12th day of April, 2022 in this case, numbered 22-04-40966-MCV on the docket of said court, and styled:

ANTONIO MENDEZ  
ROSA GUERRA INDIVIDUALLY AND AS NEXT FRIEND OF [REDACTED] MINOR CHILDREN  
VS.  
BRADLEY DEAN JOHNSON AND  
DANNY HERMAN TRUCKING, INC.

The nature of Plaintiff's demand is fully shown by a true and correct copy of Plaintiff's Original Petition accompanying this citation and made a part hereof.

Issued and given under my hand and seal of said Court at EAGLE PASS, Texas, this 19th day of April, 2022.

LEOPOLDO VIELMA, DISTRICT CLERK  
293RD DISTRICT COURT  
Maverick, Texas

By:   
EVELYN MONTGUA, DEPUTY

**Service Return**

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ m., and executed on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ M by delivering to the within named **DANNY HERMAN TRUCKING, INC.** in person a true copy of this citation, with attached copy(ies) of the \_\_\_\_\_ at \_\_\_\_\_

☐ Not executed. The diligence use in finding defendant being \_\_\_\_\_

☐ Information received as to the whereabouts of defendant being \_\_\_\_\_

Service Fee: \$ _____	Sheriff/Constable _____
	County, Texas _____
Service ID No. _____	Deputy/Authorized Person _____

**VERIFICATION**

On this day personally appeared \_\_\_\_\_ known to me to be the person whose name is subscribed on the foregoing instrument and who has stated: upon penalty of perjury, I attest that the foregoing instrument has been executed by me in this cause pursuant to the Texas Rules of Civil Procedure. I am over the age of eighteen years and I am not a party to or interested in the outcome of this suit, and have been authorized by the Maverick County Courts to serve process.

Subscribed and sworn to before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public

\*\* Service by Rule 106 TRC if directed by attached Court Order